IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.MC.No. 4040 of 2006()

CC.798/2002 of JUDL.MAGISTRATE OF FIRST CLASS, PALA

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PETITIONER: PETITIONER:

T.SAJEEV KUMAR, AGED 27 YEARS,
S/O.SUNDARAM, THANNIKAL (H),
PUTHIYARA P.O., CALICUT.

BY ADV. SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SMT.K.L.SREEKALA

RESPONDENTS: RESPONDENTS:

MALABAR CHIT FUNDS PVT.LTD.,
3RD FLOOR, JAYANTHI BUILDINGS, CALICUT,
REPRESENTED BY ITS RAMAPURAM BRANCH ASSISTANT
MANAGER, JAYAMMA SHAJU, AGED 32 YEARS,
W/O.SHAJU THOMAS, CHEMPLAYIL, VELLIYAPPALLY P.O.,
PALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 19/02/2007 ALONG WITH TR.P.C.NO.30 OF 2007,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4040 of 2006
& Tr.P.(Crl).No.30 of 2007

Dated this the 19th day of February 2007

O R D E R

These petitions are filed by the complainant (Tr.P.Crl.No.30/2007) and the accused (Crl.M.C.No.4040 of 2006) respectively in C.C.No.798/2002 pending before the Judicial First Class Magistrate Court, Pala. The accused complains that the court at Pala has no territorial jurisdiction and it is the court at Calicut which has jurisdiction to try the cases. The complainant who had filed the complaint before the court at Pala now prays that the case may be transferred to the Court at Calicut.

2. Both the complainant and the accused have now made a joint prayer that the case may be transferred from the court at Pala to the court at Calicut. I am satisfied that the said request made separately by the complainant and the accused can be accepted and transfer can be directed, as prayed for.

3. There is, of course, a prayer by the petitioner/accused in Crl.M.C.No.4040/2006 that the proceedings may be quashed. I

find absolutely no reason to justify the said prayer for quashing of proceedings. No grounds have been urged in support of that prayer and the alternative prayer cannot be accepted. The prayer that the case may be transferred to the court at Calicut can be accepted.

4. In the result, these petitions are allowed. C.C.No.798/2002 pending before the Judicial First Class Magistrate Court, Pala is transferred to the Judicial First Class Magistrate Court-I, Calicut. Parties shall appear before the learned Magistrate at Calicut on 26/03/2007 without waiting for any further directions. The court at Pala shall forthwith forward the records to the court at Calicut.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006